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/James A. Collins/

James A. Collins, Reg. No. 43,557

October 30, 2007

Date of Signature & Date of Transmission

Attorney Docket No. 12654/33

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re Application of:

Alan R. Bauer et al.

Serial Number:

10/764,076

Title:

Monitoring system for  
determining and communicating  
a cost of insurance

) Examiner: Natalie Pass

) Group Art Unit: 705/004

**SUGGESTED RESTRICTION REQUIREMENT**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Effective November 1, 2007, 37 CFR 1.142(c) has been amended to provide that an Applicant may suggest a restriction requirement. The following restriction requirement is suggested:

- Group I: Claims 181 - 205, drawn to systems that determine a cost of insurance or an amount of risk involved in the operation of a vehicle, classified in class 705<sup>1</sup> (DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE, MANAGEMENT, OR COST/PRICE DETERMINATION).
- Group II: Claims 206 - 214 are drawn to methods of determining a cost of insurance or an amount of risk involved in the operation of a vehicle, classified in class 705<sup>2</sup> (DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE, MANAGEMENT, OR COST/PRICE DETERMINATION).
- Group III: Claims 215 - 222 are drawn to systems and devices that track or monitor the operation of a vehicle, classified in class 701<sup>3</sup> (DATA PROCESSING: VEHICLES, NAVIGATION, AND RELATIVE LOCATION).

The footnotes below cite to Office Actions recognizing these distinct inventions. Claim groupings are provided in Appendix A; copies of the Office Actions are provided in Appendix B.

Should the Examiner agree with the Applicants' proposed restrictions, Applicants elect Group I (Claims 181 - 205), comprising 25 total claims and 5 independent claims, without traverse, per 37 CFR 1.142(c).

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<sup>1</sup> See invention II from the 10/31/05 restriction for application 11/060,458. See also invention I from the 1/6/06 and 2/3/06 restrictions for application 11/060,458.

<sup>2</sup> See the product/process distinction from the 1/6/06 restriction for application 11/060,458. See also the apparatus/process distinction from the 7/8/05 restriction for application 10/339,917. "Process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process as claimed can be practiced by another materially different apparatus or by hand; or (B) that the apparatus as claimed can be used to practice another materially different process." MPEP 806.05(e).

<sup>3</sup> See invention V from the 10/31/05 restriction for application 11/060,458. See also invention II from the 7/8/05 restriction for application 10/339,917.

Applicants' representative appreciates the Examiner's consideration. Should the Examiner have any suggestions or questions, the Examiner should not hesitate to contact the Applicants' representative at (312) 321 - 4200.

Respectfully submitted,

/James A. Collins/

James A. Collins

Registration No. 43,557

BRINKS HOFER GILSON & LIONE

Customer No. 00757

312-321-4200

October 30, 2007

## APPENDIX A

- I. *Claims 181 - 205 are drawn to systems that determine a cost of insurance or an amount of risk involved in the operation of a vehicle, classified in class 705<sup>4</sup> (DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE, MANAGEMENT, OR COST/PRICE DETERMINATION).*

181. (New) A system that determines a cost of insurance comprising:  
a device that writes and records one or more characteristics related to a level of risk of operating a vehicle through an automotive communication link;  
means for a party associated with the vehicle to review the recorded characteristics and review how the recorded characteristics affect a cost of insurance;  
means for the party to control whether to submit the recorded characteristics to an insurer through a publicly accessible distributed network;  
means for assigning a level of risk to the operation of the vehicle based, at least in part on, the recorded characteristics; and  
means for determining a cost of an insurance policy based on the assigned level of risk.

182. (New) The system of claim 181 further comprising means for writing and recording location data within the device and means for associating the location information to the level of risk of operating the vehicle.

183. (New) The system of claim 181 where the device that writes and records characteristics related to the level of risk of operating the vehicle through the automotive communication link comprises a portable plug-in module that does not lose its content when the portable plug-in module is not connected to a vehicle power source.

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<sup>4</sup> See invention II from the 10/31/05 restriction for application 11/060,458. See also invention I from the 1/6/06 and 2/3/06 restrictions for application 11/060,458.

184. (New) The system of claim 183 where the portable plug-in module is configured to interface an on board diagnostic port coupled to a vehicle bus that is in communication with a first processor local to the vehicle and is configured to interface a second processor remote from the vehicle.

185. (New) The system of claim 181 where the device that writes and records characteristics related to the level of risk of operating the vehicle through the automotive communication link and the means for the party to control whether to submit the recorded characteristics to the insurer through the publicly accessible distributed network comprises factory installed original equipment.

186. (New) The system of claim 181 where the characteristics related to the level of risk of operating the vehicle comprise data related to a driver's operating behavior.

187. (New) The system of claim 181 where the characteristics related to the level of risk of operating the vehicle comprises data generated by a single vehicle sensor.

188. (New) The system of claim 181 where the characteristics related to the level of risk of operating the vehicle consists of mileage data.

189. (New) The system of claim 181 where the device is configured to receive and record data received from an accelerometer that measures the vehicle's acceleration or deceleration.

190. (New) The system of claim 181 further comprising a timing device that time-stamps the characteristics related to the level of risk of operating the vehicle by generating timing information that is written to a memory of the device.

191. (New) The system of claim 190 where the timing information comprises a time of day information.

192. (New) The system of claim 181 where the level of risk comprises a safety score.

193. (New) The system 181 where the level of risk comprises a rating factor that is processed to generate a percentage discount or a surcharge to the cost of the insurance policy.

194. (New) The system of claim 181 where the means for the party associated with the vehicle to review how the recorded characteristics affect a cost of insurance to the user comprises means for reviewing how the recorded characteristics affect a prospective cost of insurance.

195. (New) The system of claim 181 where the means for assigning the level of risk to the operation of the vehicle based on the recorded characteristics resides on a Web server remote from the means for the party associated with the vehicle to review the recorded characteristics and review how the recorded characteristics affect the cost of insurance.

196. (New) A system for monitoring, pricing, and providing a distance-based vehicle insurance comprising:

- an input device configured to interface and communicate with a vehicle bus that transfers information to and from in-vehicle devices;

- a first processor that copies distance-based data repetitively from the vehicle bus through the input device;

- a memory that retains the distance-based data copied from the vehicle bus at a predetermined interval, the memory retains the content when not connected to a vehicle power source; and

- a second processor that assigns a level of insurable risk to a vehicle operator based at least in part on the distance-based data written to the memory.

197. (New) The system of claim 196 where the level of insurable risk comprises a rating factor used by the second processor to determine a cost of insurance, where the distance-based data comprises mileage data.

198. (New) The system of claim 197 where the cost of insurance comprises a future cost for insurance coverage.

199. (New) The system of claim 196 further comprising a global positioning system that generates location information, the first processor writes the location information received from the locating system to the memory at the predetermined interval, and the second processor assigns the level of risk to the vehicle operator based at least in part on the distance-based data and the location information.

200. (New) A risk management system comprising:

a network server system that provides an interface having the functionality for establishing relationships between users that track their vehicle data and levels of risk in a usage based insurance system;

a database that stores relationship data indicating the relationships established between a plurality of users and an insured's monitored vehicle data, where the relationship data identifies, for each selected user, relationships between relative levels of risk and the monitored vehicle data; and

an interface module that provides functionality to search the database for a risk assessment of vehicle data, where the interface module is responsive to a request from a user by using the relationship data and the monitored vehicle data to identify other user's level of risk.

201. (New) A system that monitors data transferred among components within a vehicle that is used to determine one or more levels of risk or is used to determine a cost of insurance comprising:

- a vehicle bus that is used to send and receive data within a vehicle;

- an in-vehicle monitor that filters the data that is sent and received across the vehicle bus by selectively acquiring vehicle data related to a level of risk in operating the vehicle or an insurable risk, the selected vehicle data is acquired at a predetermined interval from one or more vehicle sensors;

- a processor programmed to write and retrieve the selected vehicle data acquired by the in-vehicle monitor at a predetermined interval;

- a memory that retains the selected vehicle data , the memory retains the selected vehicle data when not connected to an in-vehicle power source or an out of vehicle power source; and

- a transmitter configured to electrically encode the selectively acquired vehicle data related to a level of risk in operating the vehicle or an insurable risk read from the memory and send the encoded data through a publicly accessible distributed network.

202. (New) The system of claim 201 where the in-vehicle monitor comprises a wireless monitor that comprises a short range radio link that enables data communication to a range that does not exceed ten meters.

203. (New) A system of claim 201 where the transmitter comprises a wireless transmitter-receiver configured to receive a new release of an existing software product within the system.

204. (New) A system of claim 201 where the one or more vehicle sensors comprises a single sensor that detects or measures a condition by converting a nonelectrical energy into an electrical energy.



205. (New) A system that monitors data collected from a vehicle bus that is used to determine a cost of insurance comprising:

- a data monitor that monitors a vehicle bus that transfers data among electronic components within a vehicle;

- a portable storage device that receives vehicle data from the vehicle bus to a first memory within the vehicle, the portable storage device retains content when not connected to a vehicle power source;

- a second memory within the portable storage device that receives meta data that is logically linked to the vehicle data written to the portable storage device within the vehicle each time the vehicle data is written to the portable storage device;

- a first processor programmed to link the portable storage device to a network of computers associated with an identifying number on a publicly accessible distributed network and is accessible through software that allows access to insurance files related to an existing insurance policy or a renewal of an insurance policy and allows access to other software related to the insurance files;

- a database operatively linked to the portable storage device to store the vehicle data and the meta data written to the portable storage device, the database comprising a storage system of records; and

- a second processor programmed to generate a rating factor based on the vehicle data and meta data written to the database;

where the second processor is programmed to calculate an insurance rate or a surcharge to a premium of an insurance policy based on the vehicle data and the meta data stored in the database or a discount to the premium of the insurance policy based on the vehicle data and the meta data stored in the database.

- II. *Claims 206 - 214 are drawn to methods of determining a cost of insurance or an amount of risk involved in the operation of a vehicle, classified in class 705<sup>5</sup> (DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE, MANAGEMENT, OR COST/PRICE DETERMINATION).*

206. (New) A method of determining a level of risk involving the operation of a vehicle consists of:

- monitoring a data transfer among operating sensors of a vehicle;
- selecting vehicle data automatically from a data stream within the vehicle;
- retaining the vehicle data in a format that can be stored and retrieved; the vehicle data is stored at a programmed interval and is retained independently of in-vehicle devices that control engine functions, manage powertrain functions, or provide entertainment and comfort functions;
- receiving the vehicle data from a communication link that is remote from the vehicle;
- and
- determining a level of risk based on the vehicle data transmitted via the communication link.

207. (New) The method of claim 206 further comprising estimating a plurality of positions of the vehicle by trilaterating a plurality of radio navigation signals and determining the level of risk based on the estimated plurality of positions and the vehicle data.

208. (New) The method of claim 206 where the format comprises a portable format configured to run on one or more in-vehicle systems and remote computer systems and the communication link comprises a wireless link.

209. (New) The method of claim 206 further comprising retaining data that measures the vehicle's acceleration or deceleration and determining the level of risk based on the vehicle data and the acceleration or deceleration data.

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<sup>5</sup> See the product/process distinction from the 1/6/06 restriction for application 11/060,458. See also the apparatus/process distinction from the 7/8/05 restriction for application 10/339,917. "Process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process as claimed can be practiced by another materially different apparatus or by hand; or (B) that the apparatus as claimed can be used to practice another materially different process." MPEP 806.05(e).

210. (New) The method of claim 206 further comprising time-stamping the vehicle data as it is stored at the programmed interval.

211. (New) The method of claim 206 further comprising determining a rating factor based on the vehicle data and setting or adjusting a cost of insurance based on the rating factor.

212. (New) The method of claim 206 where the vehicle data consists of data derived from a device that measures a single parameter.

213. (New) The method of claim 206 where the vehicle data consists of mileage data.

214. (New) The method of claim 206 where the level of risk is based on a driver's actual operating behavior and the data is received through a wireless link.

III. *Claims 215 - 222 are drawn to systems and devices that track or monitor the operation of a vehicle, classified in class 701<sup>6</sup> (DATA PROCESSING: VEHICLES, NAVIGATION, AND RELATIVE LOCATION).*

215. (New) A data logging system that tracks the operation of a vehicle, comprising:  
a removable storage device comprising a first memory portion that may be read from and is written to in a vehicle and a second memory portion that may be read from and is written to in the vehicle, the second memory portion retains attributes of data logically associated with each data item stored in the first memory portion;

a central processing unit that reads data from an automotive bus that transfers data from vehicle sensors to other automotive components and writes the data to the first memory portion; and

a communication device that links the removable storage device to a network of computers associated with an identifying number on a publicly accessible distributed network and is accessible through software that allows a user to access files related to a measured level of risk related to an operation of a vehicle;

where the first memory portion and the second memory portion retain data when a vehicle power source is not coupled to the first memory portion and the second memory portion, respectively.

216. (New) The data logging system of claim 215 further comprising a navigation tracking system in communication with the central processing unit, the navigation tracking system being programmed to process continuously transmitted coded data used to identify a location of the vehicle.

217. (New) The data logging system of claim 215 where the first memory portion retains data related to driving behavior and the communication device comprises a wireless communication device.

218. (New) The data logging system of claim 217 where the central processing unit is configured to record an output of a sensor that detects or measures a single condition by converting a non-electrical energy into an electrical energy.

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<sup>6</sup> See invention V from the 10/31/05 restriction for application 11/060,458. See also invention II from the 7/8/05 restriction for application 10/339,917.

219. (New) The system of claim 215 where the measured level of risk comprises a safety score for operating the vehicle.

220. (New) The system of claim 215 where the attributes of data comprises a time stamp identifying a time of day.

221. (New) The data logging system of claim 215 where the central processing unit is operative to identify or derive acceleration or deceleration data from the automotive bus and record the acceleration or deceleration data in the first memory portion and further stores a corresponding timestamp of a current time the acceleration or deceleration data is stored in the second memory portion.

222. (New) The data logging system of claim 215 where the central processing unit is programmed to scramble an access code to the data written to the first memory portion.

## ***APPENDIX B***



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/060,458	02/17/2005	Joseph Phelan	IN-02	5433

26328 7590 10/31/2005

LAW OFFICE OF DAVID MCEWING  
P.O. BOX 231324  
HOUSTON, TX 77023

EXAMINER

LUU, MATTHEW

ART UNIT PAPER NUMBER

3663

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

11/060,458

Applicant(s)

PHELAN ET AL.

Examiner

LUU MATTHEW

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/6/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.



**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, drawn to a process (a method of monitoring behavior comprising recording time and location marked data of vehicle), classified in class 701, subclass 35.
  - II. Claims 8-17, drawn to a product, classified in class 705, subclass 4.
  - III. Claims 18-22, drawn to a process of making (a method of creating a database), classified in class 701, subclass 36.
  - IV. Claims 23-31, drawn to a process of using, classified in class 701, subclass 31.
  - V. Claims 32-33, drawn to an apparatus (an apparatus for recording and evaluating time marked vehicle operation data), classified in class 701, subclass 29.
2. Inventions I/II/III/IV and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process as claimed can be practiced by another materially

different apparatus such as recording time and location marked by hand on a spread sheet.

3. Inventions II and I are related as product made and process of making. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process as claimed can be used to make other and materially different product such as the data sheet for the motor vehicle insurance company to determine the cost for insuring a vehicle.

4. Inventions II and III/IV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process for using the product as claimed can be practiced with another materially different product such as a vehicle diagnosis machine.

5. Inventions IV and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and

(2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the other data point for recording time and location marked data of vehicle operation. The subcombination has separate utility such for recording the time and location marked data of vehicle operation at a single location.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

7. Upon election of invention I, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- A. Monitoring a specified age
- B. Monitoring a government requirement.
- C. Monitoring a vehicle rental agreement.
- D. Monitoring a contract.
- E. Monitoring an employment requirement.
- F. The data is correlated to other database.

8. Upon election of invention II, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- a. Data for a plurality of vehicles.
- b. Data for a plurality of drivers.
- c. Data for a plurality of trips.
- d. Data pertaining to an agreement.

9. Upon election of species a, b, c or d, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- i. The database used for teaching.
- ii. The database used for monitoring behavior.
- iii. The database used for rating at least one driver.
- iv. The database used for predicting likely future events.

10. Upon election of invention III, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- (1) Recording vehicle location data at the regular time intervals.
- (2) Recording data from a plurality of vehicles.
- (3) Recording data from a plurality of trips.
- (4) Recording data from a plurality of drivers.

11. Upon election of invention IV, the applicant is further required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- AA. The driver safety evaluation.
- BB. The employment evaluation.
- CC. The contracting evaluation.
- DD. The credit lending evaluation.
- EE. The credit rating evaluation.
- FF. the behavior evaluation.

12. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement (e.g., I, A, a, i, (1), and AA), and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read "Matthew Luu".

**MATTHEW LUU**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Mark Heller".



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/060,458	02/17/2005	Joseph Phelan	IN-02	5433

26328 7590 01/06/2006

LAW OFFICE OF DAVID MCEWING  
P.O. BOX 231324  
HOUSTON, TX 77023

EXAMINER

LUU, MATTHEW

ART UNIT PAPER NUMBER

3663

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 11/060,458	<b>Applicant(s)</b> PHELAN ET AL.	
	<b>Examiner</b> LUU MATTHEW	<b>Art Unit</b> 3663	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-17 and 34-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 8-17 and 34-48 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 8-17 and 34-41, drawn to a product (a database comprising time marked vehicle operation data), classified in class 705, subclass 4.
  - II. Claims 42-48, drawn to a process of using a product (a rating of at least one driver utilizing a database), classified in class 701, subclass 29.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the process for using the product as claimed can be practiced with another materially different product such as NASCAR points sporting event.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Upon election of invention I, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- A. Data for a plurality of vehicles.
- B. Data for a plurality of drivers.
- C. Data for a plurality of trips.
- D. Data pertaining to an agreement.

5. Upon election of species A, B, C or D, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- a. The database used for teaching.
- b. The database used for monitoring behavior.
- c. The database used for rating at least one driver.
- d. The database used for predicting likely future events.
- e. The database is used to rate one driver for employment.
- f. The database is used to rate one driver for life insurance.
- g. The database is used to rate one driver for health insurance.
- h. The database is used to rate one driver for lending.

6. Upon election of invention II, the applicant is further required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- (1) The rating used for teaching.
- (2) The rating used for monitoring behavior.
- (3) The rating used for predicting the occurrence of a future.
- (4) The rating used for employment.
- (5) The rating used for insurance.
- (6) The rating used for lending.

7. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement (e.g., I, A, a, and (1)), and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to

be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



**MATTHEW LUU  
PRIMARY EXAMINER**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/060,458	02/17/2005	Joseph Phelan	IN-02	5433
26328	7590	02/03/2006	EXAMINER	
LAW OFFICE OF DAVID MCEWING P.O. BOX 231324 HOUSTON, TX 77023			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	11/060,458		PHELAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	LUU MATTHEW		3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-17 and 34-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 8-17 and 34-48 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Upon review of Applicant's response filed January 21, 2006, it is noted that a restriction/election is warranted. Any inconvenience to Applicant is regretted.

The only change made in this Office action is in paragraph No. 5, species c, "the database used for at least one driver safety ratings (good/bad driver rating)".

#### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 8-17 and 34-41, drawn to a product (a database comprising time marked vehicle operation data), classified in class 705, subclass 4.
  - II. Claims 42-48, drawn to a process of using a product (a rating of at least one driver utilizing a database), classified in class 701, subclass 29.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP



§ 806.05(h)). In the instant case, the process for using the product as claimed can be practiced with another materially different product such as NASCAR points sporting event.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Upon election of invention I, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- A. Data for a plurality of vehicles.
- B. Data for a plurality of drivers.
- C. Data for a plurality of trips.
- D. Data pertaining to an agreement.

5. Upon election of species A, B, C or D, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- a. The database used for teaching.
- b. The database used for monitoring behavior.

- c. The database used for at least one driver safety ratings (good/bad driver rating).
- d. The database used for predicting likely future events.
- e. The database is used to rate one driver for employment.
- f. The database is used to rate one driver for life insurance.
- g. The database is used to rate one driver for health insurance.
- h. The database is used to rate one driver for lending.

6. Upon election of invention II, the applicant is further required under 35 U.S.C. 121 to elect on of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable (currently, no claims are generic):

- (1) The rating used for teaching.
- (2) The rating used for monitoring behavior.
- (3) The rating used for predicting the occurrence of a future.
- (4) The rating used for employment.
- (5) The rating used for insurance.
- (6) The rating used for lending.

7. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement (e.g., I, A, a, and (1)), and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is

allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

**MATTHEW LUU**  
**PRIMARY EXAMINER**



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/339,917	01/10/2003	Craig T. Underdahl	18240.1	7253

7590 07/08/2005

Bryan W. Bockhop, Esq.  
ARNALL GOLDEN GREGORY, LLP  
1201 West Peachtree Street  
Atlanta, GA 30309-3450

EXAMINER

CAMBY, RICHARD M

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/339,917	Applicant(s) UNDERDAHL ET AL	
	Examiner Richard M. Camby	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

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| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
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| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 10-14, drawn to the process, classified in class 340, subclass 425.5.
- II. Claims 1-9, drawn to the apparatus, classified in class 701, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice a materially different process.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Camby whose telephone number is (571) 272-6958. The examiner can normally be reached on Mon-Thurs 11:00 a.m.-8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

\*\*\*

  
RICHARD M. CAMBY  
PRIMARY EXAMINER



## CLAIMS

What is claimed is:

1. A system for tracking usage habits of a vehicle having a standard vehicle data port, comprising:
  - a. an anchor that fixedly couples the system to the vehicle;
  - b. a connector that is electrically couplable to the standard vehicle data port;
  - c. a communication port that is capable of transmitting data to and receiving data from a remote data device;
  - d. a data storage medium that is able to record data received from the standard vehicle data port relating to the usage habits of the vehicle; and
  - e. a programmable processor that is in data communication with the connector, the communication port and the data storage medium, the programmable processor programmed to execute the following steps:
    - i. record in the data storage medium user-specific usage data relating to use of the vehicle; and
    - ii. transmit the user specific usage data from the data storage medium to the data device via the communication port in response to an authorized data query received from the data device.
2. The system of Claim 1, wherein connector comprises an SAE J1850-compatible data connector.
3. The system of Claim 1, wherein the communication port comprises an infra-red data transceiver.
4. The system of Claim 1, wherein the communication port comprises a one-wire contact data port.

ATTORNEY DOCKET NO: 18240.1

5. The system of Claim 1, wherein the recording step comprises:
  - a. upon receiving an authorized user identification, record user identification, date and time that the vehicle is started, and starting odometer reading in the data storage medium;
  - b. until an engine shutoff is sensed, record maximum speed of the vehicle in the data storage medium; and
  - c. upon sensing engine shutoff, recording shutoff time and odometer reading at time of shutoff in the data storage medium.
6. An apparatus for communicating data with a system for tracking usage habits of a vehicle having a standard vehicle data port, comprising:
  - a. a wireless data port;
  - b. a one-wire data device; and
  - c. a processor in data communication with the wireless data port and the one-wire data device, the processor programmed to:
    - receive a security code from the one-wire data device;
    - transmit the security code to the wireless data port so as to cause the wireless data port to transmit the security code to the system for tracking usage habits of a vehicle;
    - receive data from the system for tracking usage habits through the wireless data port;
    - transmit the data to the one-wire data device for storage by the one-wire data device.
7. A data transmission system for transmitting data received from a system for tracking usage habits of a vehicle to a global computer network server, comprising:
  - a. a security code generator capable of generating a plurality of security codes;

ATTORNEY DOCKET NO: 18240.1

- b. a one-wire data device interface;
  - c. a PDA data interface;
  - d. a master clock capable of generating a date and time reference; and
  - e. a programmable processor, in data communication with the security code generator and the one-wire data device interface, the processor capable of being put in data communication with a global computer network, the processor programmed to execute the following steps:
    - i. receive the date and time reference from the master clock and to transmit the date and time reference to the PDA data interface and the one-wire data device interface;
    - ii. receive a security code from the security code generator and transmit the security code to the one-wire data device interface to facilitate storage of the security code by a one-wire data device;
    - iii. receive data from the one-wire data device interface, the data corresponding to data received from a one-wire data device; and
    - iv. transmit the data received from the one-wire data device interface to a server through the global computer network.
8. The system of Claim 7, wherein the PDA data interface comprises a 485 interface.
9. The system of Claim 7, wherein the security code generator comprises
- a. a SHA FIPS-180 security code processor; and
  - b. a security code storage memory.
10. A method of tracking usage habits of a vehicle having a standard vehicle data port, comprising the steps of:
- a. upon receiving an authorized user identification, recording in a local vehicle data storage medium a user identification, a start date, a start time, and a start odometer reading;

- b. upon sensing engine shutoff, recording in the local vehicle data storage medium a shutoff date, a shutoff time and a shutoff odometer reading;
  - c. receiving a request for vehicle usage information from an off-board data storage device;
  - d. in response to the request, transmitting, from the local vehicle data storage medium to the off-board data storage device, the user identification, the start date, the start, the start odometer reading, the shutoff date, the shutoff time and the shutoff odometer reading.
- 11. The method of Claim 10, further comprising the steps of:
  - a. until an engine shutoff is sensed, recording maximum speed of the vehicle; and
  - b. in response to the request, transmitting, from the local vehicle data storage medium to the off-board data storage device, the maximum speed of the vehicle.
- 12. The method of Claim 10, wherein the transmitting step comprises the step of transmitting data to an infra-red data transceiver.
- 13. The method of Claim 10, wherein the transmitting step comprises the step of transmitting data to a one-wire data device.
- 14. A method of tracking performance of a vehicle salesperson with respect to a plurality of vehicles, each vehicle including a standard vehicle data port, comprising the steps of:
  - a. reading, from a salesperson-specific identification device, a salesperson identification;
  - b. storing the identification input in a vehicle-specific data storage medium;
  - c. receiving odometer and speed data from the standard vehicle data port during a predetermined period after reading the identification input;

ATTORNEY DOCKET NO: 18240.1

- d. storing a start time and an end time for the predetermined period and a preselected set of the odometer and speed data in a data storage medium;
- e. in response to a query from a data reading device, transferring the start time and end time and the preselected set of the odometer and speed data and an identification of the vehicle to the data reading device; and
- f. generating a report indicating at least one performance factor relative to the vehicle salesperson based on at least a preselected subset of data received by the data reading device.